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REALNETWORKS, INC. and
REALNETWORKS HOME
ENTERTAINMENT, INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

) CASE NO.: C-08-4548-HRL
REALNETWORKS, INC., a Washington)
Corporation; and REALNETWORKS HOME)
ENTERTAINMENT, INC., a Delaware)
corporation,)
Plaintiffs,)
v.)
DVD COPY CONTROL ASSOCIATION, INC.,)
a Delaware nonprofit corporation, DISNEY)
ENTERPRISES, INC., a)
Delaware corporation; PARAMOUNT)
PICTURES CORP., a Delaware corporation;)
SONY PICTURES ENTERTAINMENT, INC., a)
Delaware corporation; TWENTIETH CENTURY)
FOX FILM CORP., a Delaware corporation;)
NBC UNIVERSAL, INC., a Delaware)
corporation; WARNER BROS.)
ENTERTAINMENT, INC., a Delaware)
corporation; and VIACOM, Inc., a Delaware)
Corporation.)
Defendants.)
PLAINTIFFS AND
COUNTERCLAIM DEFENDANTS
REALNETWORKS, INC. AND
REALNETWORKS HOME
ENTERTAINMENT, INC.'S
OPPOSITION TO DEFENDANTS'
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE;
PRELIMINARY INJUNCTION

1 Plaintiffs and Counterclaim Defendants RealNetworks, Inc. and RealNetworks Home
2 Entertainment, Inc. ("Real") oppose the Application for Temporary Restraining Order filed this
3 afternoon by the Defendants. However, because Real did not receive notice of Defendants'
4 intention to file its Ex Parte Application for Temporary Restraining Order until just shortly
5 before 2:00 pm today, October 3, 2008, Real has not had any opportunity to review Defendants'
6 papers, much less to prepare a written opposition to them. Further, contrary to Defendants'
7 assertion in their ex parte papers, Real has never had an opportunity to fully brief the issues
8 before any court (including the District Court for the Central District of California). Real had
9 mere hours to prepare and submit on Tuesday, September 28, 2008 a partial response to an ex
10 parte application for TRO filed by Defendants in the Central District Court, but that response
11 was limited and the facts have changed since then.

12 As counsel for Real indicated to counsel for Defendants, lead counsel for Real is
13 currently out-of-town and unavailable. Further, because Defendants declined the assignment of
14 this case to Magistrate Judge Lloyd earlier today, the judge to be assigned to this matter is
15 currently unknown to Real, and Real is therefore unable even to send a lawyer to court to orally
16 oppose Defendants' application.

17 Accordingly, Real respectfully requests (1) that the Court grant Real an opportunity to
18 file a written opposition to Defendants' ex parte application, and (2) that the Court set a
19 reasonable deadline for such written opposition.

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21 Dated: October 3, 2008

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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23 By: _____ /s/Colleen Bal
24 Colleen Bal

25 Attorneys for Plaintiffs REALNETWORKS,
26 INC. and REALNETWORKS HOME
ENTERTAINMENT, INC.

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